they too cannot be interfered with as long as they are not cash. As regards the income from Devaswom properties, these have been incorporated with Sirkar funds and are managed by the Revenue department along with other Sirkar properties. It is against the principle of incorporation to argue that the income of a particular temple alone or the whole of it should be expended on it. In course of time, it is hoped that the income and the expenditure will adjust themselves. As regards the balance, several proposals have now been made and if after meeting such of them as are feasible any surplus remains, the question of investing the same on loans to agriculturists will be considered. In regard to entering Devaswom funds separately in the accounts, there seems to be no objection in doing so, though this also is beset with several difficulties. The matter, however, will receive attention. As for repairs to temples, funds are as a matter of fact allotted every year for such works according to their importance and urgency. Works already begun will be carried out as early as practicable and more taken up as finances permit.

183. Regulation of State charities.

Mr. M. Sivathanu Pillai (*Tovala*) urged that the mangement of Oottupuras should not be taken away from the Tahsildars. As however these officers had several duties to attend to, he suggested that one of the respectable ryots of the locality might be appointed to supervise the arrangements.

Mr. P. Raman Tampi, B. A., M. L., (*Trivandrum*) said that when this subject was brought forward last year the reply was that Government were aware of the abuses connected with the charitable institutions of the State and that the matter would receive every consideration. It was the fashion of anti-reformers to contend that any demand for retrenchment of State expenditure on account of the Oottupuras was tantamount to an attack upon the religious institutions under the management of Government, and accordingly it was necessary to give a clear idea of the relations subsisting between the State on the one hand and the religious foundations and charitable institutions on the other, as also of those subsisting between these two latter themselves. It was Maharajah Martanda Varma to whom the *Vazhi-oottus* or the wayside charity institutions of the State owed their existence. It was on the other hand to a British officer and a

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Christian *viz.*, Col. Munro, that the assumption by the State of 378 Hindu Devaswoms owning considerable landed property was due. Thus it could be seen that the direct connection of Government with Hindu religious institutions began only after at least half a century subsequent to the foundation of the feeding houses. The former were now conducted by Government in the capacity of trustee or manager and in virtue of the Sovereign's position as *parens patriæ*, while the latter had been ushered into existence by the State and maintained with the aid of public funds. If when the Oottupurahs were founded the State had no management of religious institutions, it was idle to argue that these feeding houses were the natural and necessary appendages of the temples. Each class of institutions had a separate and independent history and the mere accident of Government having assumed the management of Devaswoms did not require them to perpetuate abuses connected with the administration of State charities. The member then proceeded to consider how far the Government were responsible for the relief of destitution and pauperism in general. After describing the nature of the Poor Laws of England, he said that the problem of charity in Travancore unlike in other countries was left to be solved by mere voluntary contributions which were in their nature bound to be precarious and ill-regulated. Hindu charity was an artificial sentiment too impotent to extend the sphere of its influence to wretched hovels and dens of squalor and misery. Unless, therefore, the paternal Government of the State which had legislated for even prevention of cruelty to animals extended the right hand of sympathy and friendship to the starving humanity, the out-look could not be anything but dismal. No Poor Law was administered in Travancore, but a system of State charities inaugurated for a particular purpose was mismanaged with the result that those who enjoyed its benefits, instead of being so many working useful members of the society, contributing by their labour to the wealth of the community and earning an independent livelihood for themselves, had become a burden on the rest of the society. These arguments were, he said, enough to prove the necessity for enlarging the sphere of the charities of the State. He next attempted to show that the enormous expenditure annually incurred on account of these feeding houses might be cut down without doing violence to the legitimate objects of the institutions themselves. It was well known that the *Vazhi-oottus* were only wayside feeding houses and this

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was clear from the circumstance that they were situated at convenient stages along the road from Aramboly in the south to Parur in the north. Even so early as 1030 M. E., within a century after the establishment of these institutions, the then Dewan impressed upon Tahsildars and other revenue officers the necessity of confining the use of choultries to *bona fide* travellers and threatened them with condign punishment in the event of disobedience of orders. The late Sir Sashia Sastri, himself an orthodox Brahmin and no unfriendly critic, observed that though the oottupurahs were primarily intended for the relief of the poor and way-worn traveller they had in some cases come to be regarded as feeding-houses for the poor of a resident population. The late Mr. V. Ramiengar, another Dewan of this State, was of opinion that the manner in which the numerous feeding houses were made use of at present was a perversion of the original object of the founder of these otherwise excellent institutions. It was fairly deducible from the above references that the Oottupuras had been originally designed for the purpose of giving relief to way-worn travellers and not to serve as resorts for the able-bodied residents of any particular locality or localities. The economical bearing of the subject of State charities had also to be considered in this connection. In 1012 M. E., these institutions cost the State Rs. 2,66,737. The cost of State charities for the last 35 years amounted to no less than Rs. 130,00,000. When it was remembered that the bulk of the expenditure was in the shape of paddy and that for purposes of Sirkar accounts one parah of paddy was valued at 6 chs. *i. e.*, about half its market value, it was but fair and reasonable to calculate that the actual cost was at least twice the amount now nominally entered in the public accounts. Taking the population of the State as 29,52,157 and the annual expenditure of the Oottupurahs as Rs. 8,12,418, it would be found that the maintenance of these charity institutions was equivalent to a poll-tax of about 4 as. imposed on every person, male or female, young or old, rich or poor, living in the State. Sir Sashia Sastri said that the reduction of expenditure on the institutions had been steadily kept in view, but as a matter of fact the expenditure was annually rising by leaps and bounds. The Tinnevelly-Quilon railway was a losing concern, and at least the Oottupurahs of Kottarakara, Punalur, Ottakal, Elamannur and Aryankavu could be easily abolished as in the nature of things these feeding-houses would not now be availed of by any way-worn traveller. The maintenance of the Oottu-

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purahs was inconsistent with the normal responsibility of the State to relieve pauperism and destitution and even if the institutions had to be continued, indiscriminate charity ought to be avoided alike in the interests of Government and the people. Although he would for his part advocate the abolition of the feeding-houses altogether as they were at present conducted and the organization of a relief system calculated to benefit paupers of all classes, he would for the present confine his prayer to the administration of State charities conformably to the intentions of the founder. If, as the first instalment of a scheme of momentous reforms, the abolition of the Oottupurahs along the Quilon-Shencottah road could be effected and the feeding in other Oottupurahs confined to *bona fide* travellers, a new era of national union and industrial activity would dawn on the State and Travancore would begin to better deserve her appellations, the Land of Charity and the Model State.

Mr. S. Swamy Iyengar of Trivandrum (Nominated) observed that this important subject had long been before the public and the matter had now reached an acute crisis. The interest of Government in the charitable institutions of the State was that of a trustee and this could be proved from the writings of Sir Madava Row, Sir Sashiah Sastri, Dewan Krishna Row, Dewan Nanoo Pillai and Mr. Shungunni Menon, the Travancore historian. The agreements entered into by the State with the Rajas of Alangad and Parur on the occasion of the assumption of their territories contained distinct provision for maintaining the charities given to Brahmins intact. The most important document for consideration in this connection was the Royal will of Maha Rajah Marthanda Varma who conquered and consolidated the country with the help of his warrior minister Ramaiyan Dalawa. It was the paramount duty of Government to maintain a State Church together with all its endowed appurtenances and furtherances, especially in view of the fact that all the world over a Church establishment was maintained together with its charities, whether there were endowments or not to support the same. The problem of poverty did not tax the energy of Government owing to the nice arrangements of former generations and the traditional charity of the former rulers of the State whose benevolent intentions His Gracious Highness the present Maha Rajah was following and fulfilling to the very letter. Much had not to be said

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regarding the utilisation of trust funds which should go only to carry out the intentions of their donors. Any attempt at diverting them to other purposes was futile and would tend to a breach of the solemn responsibility undertaken by Government. It was well known that religious neutrality was maintained in British India and the trusts of Devasthanams and feeding houses were kept on the lines chalked out by the donors themselves. To maintain the religious and charitable institutions in British India, the Government there used to allot funds out of the revenue derived from the lands assumed by them and there was no reason why it should not be so in the Land of Charity alone. These institutions owned lands. They were known as Madapad, Melkanganam, Sreepandaravagai, &c., and Government merely administered them as specific trusts. Difficulty was experienced when the late Dewan wanted to apply to them his taxation-in-money reform, as it was found that civil courts had the power to exact the strict enforcement of the conditions of trust. Colonel Munro could not do anything more than regulate their expenses as he found them independent self-supporting trusts. One could fairly ask for the genesis of these trusts being traced and the lands restored to further their original purpose. It was not right on the part of any one to question the trust expenses. The right was strengthened by the solemn assurance given by every sovereign on the installation day that he would faithfully follow and fulfil the injunctions of his uncles, injunctions which in every case were based upon the great Marthanda Varma's Royal will referred to already. Further, whenever any new Dewan was appointed, his special attention was directed towards this end in the Royal Neet or commission of appointment and the first thing that the newly appointed minister was to do was to issue orders for carrying out everything according to Pathivoo, Mamool or Keelnadappu in respect of the religious and charitable endowments of the land. Thus, the giving of charity was an act of state and it was so arranged as to produce nothing but relief in all manner of ways in keeping with the laws and usages of the State. If the Brahmins alone were given relief, it was because it was intended only for them by the donors. But as a matter of fact it was not one section alone that benefited by these institutions. Sir Sashiah Sastri truthfully observed that the maintenance of the Pakkam feeding house virtually amounted to a part-payment of the Palace establishment. He also noted that

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the Agrasala feeding included boiled rice distributed to the establishments of several palaces and the various persons other than Brahmins to whom such gifts had been expressly made from time to time as a matter of royal favor. It further embraced allowances in kind (since commuted into money) to several people, and thousands of non-Brahmins who performed diverse kinds of services whether connected or not with temples were also fed in them. Sir Sashiah Sastri continued to remark that the rice offering in the pagoda at the Capital after being sold for whatever it would fetch, generally about Rs. 60 a day, was thrown on the market and the poorest classes availed themselves of it. All these were facts beyond question. The maintenance of charitable institutions, the member concluded, was an inevitable obligation and incapable of discussion even in the Legislative Council, much more before the Popular Assembly.

Mr. Chithira Nal Tampuran of Vadakumkur, Vaikam (Nominated) said that the charitable institutions now found in the State were not, as contended, entirely the gifts of the Maharajahs of Travancore. Many of them were founded by independent chiefs whose territories were subjugated by Maha Rajah Marthanda Varma among which the foundations of his ancestors were also included. It was not easy to decide what the intentions of the founders of these institutions were by a mere *a priori* arm-chair discussion, though it would be conceded on all hands that the intentions of the donor, whatever they were, must be given effect to in every case. Government, there was no doubt, were the trustees of these institutions and could not shake themselves off from the responsibilites appertaining to a trustee in this respect. What was necessary was to endeavour to find out from old records with what object these institutions were started by their numerous founders and then to remedy and set right whatever evils might have crept into their management by the efflux of time.

Mr. K. Krishnan Pandalay B. A., B. L. (Quilon,) said that it was necessary to dissociate all class feelings in a matter of this kind. They who were speaking from the opposite side had the highest respect for the Brahmins and did not in the least desire that the Brahmins should not be fed in these institutions. What they merely ventured to submit was that the Oottupuras as at present maintained were extremely expensive to the State. There was no dispute about the necessity for maintaining them. The only question was how

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they should be maintained. Mr. Swamy Iyengar thought that the present system should continue without any reform and the oottupuras should be left as they were. He, on the other hand, contended that the management of State charities deserved the closest scrutiny. Several scandals had crept in in spite of the attention of Government in the past years, and the management of the oottupuras had deviated from the original intentions of their founder and had become a heavy drain upon the public purse. As far as he was able to say, and it was open to Government to correct him if this was a misconception, these institutions were intended for travellers and travellers only. At present, however, all the residents of the neighbourhood following every manner of avocation in life including public service were resorting to them to the prejudice and inconvenience of way-worn travellers, who were in many cases fed only after the demands of the resident population were satisfied. This state of affairs, he claimed, ought to be put an end to and the increasing expenditure of the State on them curtailed as it was not in keeping with the original intentions of the founder. Mr. Swamy Iyengar referred to a document executed by the Raja of Parur and to a will of Maharajah Marthanda Varma. These documents referred only to the institutions themselves and not to the way in which they should be worked and the class of people for whom they were intended. Oottupuras, he said, should certainly be maintained in their pristine purity. Another misapprehension had to be removed. Devaswoms were quite distinct from the oottupuras and Mr. Swamy Iyengar's arguments mainly applied only to the former. No particular allotment of property appeared to have been made for the maintenance of oottupuras unlike Devaswoms, and it was useless to refer to any question of trust so far as these institutions were concerned. The member concluded with a request to Government to see whether the expenditure under the head of Oottupuras could not be curtailed, restricting their benefit to *bona fide* travellers and whether in view of the fact that traffic had deviated from some of the places wherein these institutions were now maintained, it was advisable to still retain them in these places and whether some of them might not be abolished, and others transferred to places where their presence might with greater justice be called for.

Mr. Padmanabhan Parameswaran (*Pathanapuram*) observed that in Cochin the oottupuras were restricted to the feeding of *bona fide*

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travellers for a limited period and that if a similar arrangement were made here also, only one-eighth of the funds now expended would be found necessary for the maintenance of these institutions.

Mr N. Velayudhaperumal Pillai (Agastisvaram), Mr. M. Madhavan Tampi (Kalkulam), Mr. Mathevan Kesavan and Mr. Kanakku Mathevan Kesavan (Neyyattinkara), Mr. Kanakku Mathevan Mathevan (Nedumangad), Mr. R. Narayana Pillai (Ettumanur), Mr. Narayanan Velayudhan (Pathanapuram), Mr. R. Vasudevan Pillai (Kartigapalli), Mr. G Idichandy B. A., Bar-at-Law (Mavelikara), and Mr. S. Krishna Pillai (Tiruvalla) also spoke on the desirability of regulating State charities.

Reply.—In my reply to the proposal regarding the separation of Devaswom and Revenue departments, I had intended to make reference to the title of the British Sovereign "Defender of the Faith", to the significance attaching to that appellation, and to the obligation devolving on the ruler by reason of that designation. I would refer you also to the historic fact that the great Maharajah Marthanda Varma of immortal fame, the real maker of modern Travancore, whose sentiments were echoed by some of the speakers, in 933 M. E., or about a century and a half ago, called to his bedside the heir-apparent to the throne and gave that prince his last advice in the following terms: *viz.*, that no deviation whatever should be made in regard to the dedication of the kingdom to Sri Padmanabhaswamy and that all further territorial acquisitions should be made over to the Devaswom. Coming to the question of oottupuras, Mr. Raman Tampi has taken pains to give us a good idea of the present management of these institutions and Mr. Swamy Iyengar has also put forward his counter-argument on the subject. Mr. Krishnan Pandalay cleared the ground and stated his case fairly. Still, he did not altogether abandon his objections, nor did Mr. Raman Tampi take away his reservation altogether. The Sovereign to whom I referred also gave expression to the following solemn and significant words on that memorable occasion, *viz.* that not a hair's breadth of alteration or deviation should be made in the established charities and institutions connected with the same. So long as this strict idea of trust is maintained and pursued by the rulers of the State, these charities cannot in the very nature of things be dissociated from the State. If these words are construed as the behest of a dying sovereign, it would not be proper or reasonable on the part of succeeding rulers to disregard them, but they must be deemed

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to have taken the State subject to the obligation involved in the trust. Even regarding them as a declaration of his will, they are entitled to all respect and consideration. The fact that the dying words of Maha Rajah Marthanda Varma have been all along regarded as shaping the constitution and guiding the administration of the State is evidenced by the circumstance that His Highness the late Maha Rajah made pertinent allusion to them on the solemn occasion of his coronation in 1055 M. E. Ever since 933 M. E., the mandates of the great Sovereign have been loyally and religiously followed by all successive rulers, and so far as I have seen during the last four months, I think that this trust could not be discharged more anxiously, devotedly or conscientiously than it is being done by His Gracious Highness the present Maha Rajah. Seeing the peculiar position of His Highness in this respect (to whose sentiments in the matter no reasonable man can take objection), it is not becoming on the part of His Highness' loyal and obedient subjects to question the necessity or propriety of maintaining this trust and suggest that these charities should be dismembered from the State. Most of the speakers dwelt upon what they believed to be the defects in the management of these institutions. As regards the feeding of others than *bona fide* travellers in them, the primary intention of the donors must have been, it seems to me, to provide for wayfarers only. But, as you know, in all charities of this nature, it is not possible to anticipate a particular number of travellers each day, and whatever surplus of cooked rice remains is and must be utilized in feeding any others who must necessarily be residents of the locality. This practice is neither of recent origin nor of peculiar application to this State, but obtains in all similar institutions elsewhere also. The expenditure on these institutions is as a rule restricted by the sanctioned allotment. As regards the defects pointed out, they will be borne in mind and care will be taken to avoid waste. I propose to go on tour to all the Divisions shortly and would take that occasion to visit some of these institutions. I shall be glad to receive representations touching any specific mismanagement in any of them and see what could be done to remove the same. The question of abolishing or transferring any institution from its present locality will also receive attention. In this connection I may tell you that it is only very recently that one of the oottupuras on the Shencottah-Quilon road was abolished on the recommendation of the Peishkar.

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The Assembly dissolved at 4-45 P. M. to 12 noon on Thursday the 10th January 1907.

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